

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
FRANKLIN B. ABERNATHY, et al.,)	
Plaintiff,)	
)	
v.)	Civil No. 21-11290-LTS
)	
SPECTRUM HEALTH SYSTEMS, et al.,)	
Defendants.)	
_____)	

ORDER

October 22, 2021

SOROKIN, J.

Plaintiff Franklin B. Abernathy ("Abernathy"), an inmate now in custody at the Pondville Correctional Center, initiated this action on August 5, 2021, by filing a complaint, a motion for leave to proceed *in forma pauperis*, a motion to certify class action, and an emergency motion for a temporary restraining order and preliminary injunction. Dkt. Nos. 1 - 5. , p. 39.

On August 13, 2021, the Court denied the pending motions and Abernathy was ordered to file a renewed motion to proceed *in forma pauperis* accompanied by a copy of his prison account statement. Dkt. No. 8. The Order stated that failure of Abernathy to comply may result in the dismissal of this action without prejudice. *Id.*

To date, Abernathy has not responded to the Court's order and the time to do so has expired. "A district court, as part of its inherent power to manage its own docket, may dismiss a case *sua sponte* for any of the reasons prescribed in Fed. R. Civ. P. 41(b)." *Cintrn-Lorenzo v. Departamento de Asuntos del Consumidor*, 312 F.3d 522, 525-26 (1st Cir. 2002). "Lack of diligent prosecution is such a reason." *Id.*

Accordingly, for the failure to comply with the August 13, 2021 Memorandum and Order, this action is dismissed without prejudice.

SO ORDERED.

/s/ Leo T. Sorokin

Leo T. Sorokin

United States District Judge